

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

CHAD ARRON VAN DIEST,

Plaintiff,

v.

JEFF UTTECHT,

Defendant.

NO: 11-CV-00464-TOR

ORDER DENYING PLAINTIFF'S  
MOTION FOR RECONSIDERATION  
AND DENYING AS MOOT  
PLAINTIFF'S MOTION FOR  
EXTENSION OF TIME TO FILE  
RESPONSE/REPLY

BEFORE THE COURT are Plaintiff's pro se Motion for Reconsideration of Appointment of Counsel (ECF No. 6) and Motion for Extension of Time to File Response/Reply (ECF No. 11). The motions were heard without oral argument.

**MOTION FOR RECONSIDERATION**

Appointment of counsel to represent a petitioner in an action pursuant to 28 U.S.C. § 2254 is discretionary with the Court. Counsel may be appointed for an impoverished habeas petitioner whenever "the court determines that the interests of justice so require. . ." 18 U.S.C. §3006A(a)(2)(b). Such appointment of counsel

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1 becomes mandatory if an evidentiary hearing is required. Rule 6(a), Rules Section  
2 2254 Cases. A habeas corpus petitioner, however, has no Sixth Amendment right  
3 to appointment of counsel. *Knaubert v. Goldsmith*, 791F.2d 722, 728 (9th Cir.  
4 1986).

5 Petitioner concedes the facts have not changed since the denial of his first  
6 motion for appointment of counsel. Again, it does not appear the legal issues in  
7 this case are so complex that Petitioner cannot present them pro se. The Court finds  
8 Petitioner has shown an adequate ability to articulate his claims without this Court  
9 taking the extraordinary step of appointing counsel to represent him. Therefore,  
10 the Court denies Plaintiff's Motion for Reconsideration.

#### 11 **MOTION FOR EXTENSION OF TIME**

12 Plaintiff filed a Motion for Extension of Time to File Response/Reply (ECF  
13 No. 11) on March 6, 2012, and then filed his Reply (ECF No. 16) on March 20,  
14 2012. Accordingly, the Court denies Plaintiff's Motion for Extension of Time to  
15 File Response/Reply as moot.

#### 16 **ACCORDINGLY, IT IS HEREBY ORDERED:**

17 1. Plaintiff's Motion for Reconsideration of Appointment of Counsel  
18 (ECF No. 6) is **DENIED**.

19 2. Plaintiff's Motion for Extension of Time to File Response/Reply  
20 (ECF No. 11) is **DENIED AS MOOT**.

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2 The District Court Executive is directed to enter this Order and forward a  
3 copy to Plaintiff and Defendant's counsel.

4 **DATED** this 13<sup>th</sup> day of April, 2012.

5 *s/ Thomas O. Rice*

6 THOMAS O. RICE  
7 United States District Judge  
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